

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
354 Montrose Avenue, 120 ft. W
of Montrose Avenue
1st Election District
1st Councilmanic District
James M. Heier, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-32-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 ft., in lieu of the required 10 ft., in a D.R.5.5 zone, for an addition, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 16-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 1802.3.C.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of Sept. 1992 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 ft., in lieu of the required 10 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 15, 1992

Mr. and Mrs. James M. Heier
354 Montrose Avenue
Baltimore, Maryland 21221

RE: Case No. 93-32-A
Petition for Residential Zoning Variance
354 Montrose Avenue

Dear Mr. and Mrs. Heier:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 354 Montrose Ave. 21221
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1802.3.C.1 to permit a side yard setback of 4 ft. in lieu of the required 10 ft. for an addition.

of the Zoning Regulations of Baltimore County, for the following reasons, indicate hardship or practical difficulty.

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to, and are to, be bound by the zoning regulations and restrictions of Baltimore County as applied pursuant to the Zoning Law for Baltimore County.

Contact Purchaser's name: James M. Heier
Type of Interest: Joint Tenants
Signature: James M. Heier
Address: 354 Montrose Avenue
City: Baltimore, Md. 21221
Telephone: 410-574-3771
Signature: Linda R. Heier
Address: 6300 Karlov Ave.
City: Baltimore, Md. 21221
Telephone: 866-1277
Signature: Stephen F. Zentz
Address: 6300 Karlov Ave.
City: Baltimore, Md. 21221
Telephone: 866-1277

A Public Hearing having been requested and so found to be required, it is ordered that the subject matter of this petition be referred to the Board of Appeals for their consideration and recommendation. The Board of Appeals shall hold a public hearing on the subject matter of this petition at the time and place designated by the Board of Appeals.

REVIEWED BY: [Signature] DATE: 9/19/92
ESTIMATED POSTING DATE: 9/23/92
ITEM #: 35

Affidavit in support of
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/ds presently reside at 354 Montrose Avenue
Baltimore, Maryland 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

HARDSHIP-Please see enclosed letter of explanation

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James M. Heier
Linda R. Heier

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of July, 1992, before me, a Notary Public of the State of Maryland, and in for the County aforesaid, personally appeared James M. Heier and Linda R. Heier

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notary Seal.

7-31-92
My Commission Expires: 2-1-93

Baltimore Co. Zoning Board

Dear Sirs:

I am requesting an administrative variance hearing. This hearing is requested as a hardship case due to the following reasons: My father Milton Geldmacher is 73 and has been living with me for the past 9 years. Recently his health has deteriorated due to asthma and osteoarthritis. Five years ago he had a 5 way heart by-pass and now is experiencing circulation problems with his legs. Six weeks ago my mother-in-law Margaret Heier Lippert who is 78 also came to live with us. She too due to her age is in poor health. Her condition is arthritis and an onset of alzheimers. This past October she became widowed and has found at her age she no longer can live alone. When both she and my father have to use the bathroom at the same time I'm having major problems. Both due to their age have control problems of bowel and bladder. My zoning request is for construction of two bathrooms adjacent to my fathers and mother-in-laws bedroom which are on my first floor. Both bathrooms will be constructed with handicap bath fixtures to meet their special needs. The construction will be done by Mr. Stephen Zentz, President of C. & S. Construction Co., Inc. This size of these bathrooms will need a set back of 4 feet from my property line instead of the required 10 feet. I am therefore requesting this variance. If at all possible can this variance be granted as soon as possible.

I have enclosed a letter from my fathers doctor, if needed I can obtain a letter from my mother-in-laws doctors. Thank you.

Respectfully submitted,
Milton Geldmacher
Linda R. Heier

LEOPOLDO GRUSS, M.D.
PROFESSIONAL ADMINISTRATION
405 STEMMERS BLVD. RD.
BALTIMORE, MARYLAND 21221
TELEPHONE 687-8777

July 16, 1992

RE: Milton Geldmacher

TO WHOM IT MAY CONCERN:

This is to certify that it is important for Mr. Geldmacher to have bathroom facilities on the same floor as his bedroom due to his health situation.

DIAGNOSIS:

COPD with asthma.
Osteoarthritis

Sincerely,

Leopoldo Gruss, M.D.

THE DESCRIPTION
-3 copies required

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 354 Montrose Ave.
(Address)
Beginning at a point on the N.W. side of Montrose Ave. (north, south, east or west) side of Montrose Ave. (number of feet of right-of-way street on which property fronts) which is 170 (number of feet of right-of-way width) wide at the distance of 170 (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street WEST (name of street) which is 50 (number of feet of right-of-way width) wide. *Being Lot 58159 (1/2) Block (1/2) Section #1 in the subdivision of MONTROSE (name of subdivision) as recorded in Baltimore County Plat Book #142, Folio #1, 183 (name of subdivision) containing 110,000 (number of total square feet or acres in lot) also known as 354 Montrose Ave. and located in the 1st Election District. (property address)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber (), Folio ()" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N. 07° 12' 13" E. 321.1 ft., S. 10° 21' 03" E. 81.2 ft., S. 62° 19' 00" W. 310 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1024 Date of Posting: 9/24/92
Posted for: James & Linda Heier
Petitioner: James & Linda Heier
Location of property: Map, Monrovia, Hwy. (35A), 170' W. Monrovia
Location of Sign: James & Linda Heier, 170' W. Monrovia
Remarks: None
Posted by: W. Carl Richards Jr. Date of return: 9/21/92
Number of Signs: 1

111 West Chesapeake Avenue
Towson, MD 21204

September 16, 1992

(410) 887-3353

Mr. & Mrs. James M. Heier
354 Montrose Avenue
Baltimore, MD 21221

RE: Item No. 35, Case No. 93-32-SPH
Petitioner: James M. Heier, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Heier:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
4th day of August, 1992

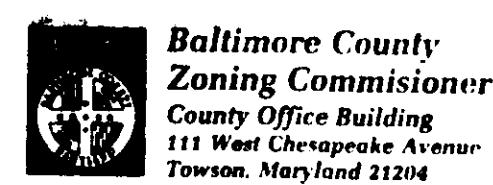
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: James M. Heier, et al

Petitioner's Attorney:



receipt

Date: _____ Account: R-001-6150
Number: _____
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Please Make Check Payable to Baltimore County \$85.00
PA 000736AH08-04-92
Cashier Validation: _____

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 28, 1992
Zoning Administration and
Development Management

FROM: Ervin McDaniel
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

In reference to the Petitioner's request, staff offers no comments on the following items:

Item No. 35
Item No. 38
Item No. 39
Item No. 46
Item No. 43
Item No. 57

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EMC:rdn

NOCOMMIT/ZAC1

BPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: W. Carl Richards Jr. Date: 8/24/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patapsco (Azreal Property)	90476			
ZON DED TE (Waiting for developer to submit plans first)				6-1-92
COUNT 1				
James And Linda Heier		35	N/C	8-24-92
DED DEPRM RP STP TE				
Allan L. Snyder Et. Al.		36	N/C	
DED DEPRM RP STP TE				
Salvo Auto Parts		37	N/C	
DED DEPRM RP STP TE				
Adela M. Lombardi And Florence Kunsy		38	N/C	
DED DEPRM RP STP TE				
Helaine G. And Melvin R. Trosch		39	N/C	
DED DEPRM RP STP TE				
Baltimore Country Club of Baltimore City		40	N/C	
DED DEPRM RP STP TE				
Robert E. And Cynthia A. Lyons		43	N/C	
DED DEPRM RP STP TE				
Perring Woods Court Corporation		44	N/C	
DED DEPRM RP STP TE				
Perring Woods Court Corporation		45	N/C	
DED DEPRM RP STP TE				
Helen Mooney Murphy		46	N/C	
DED DEPRM RP STP TE				
Michael E. Turley		47	N/C	

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: W. Carl Richards Jr. Date: 8-24-92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
James And Linda Heier		35		8-24-92
DED DEPRM RP STP TE				
Allan L. Snyder Et. Al.		36		
DED DEPRM RP STP TE				
Salvo Auto Parts		37		
DED DEPRM RP STP TE				
Adela M. Lombardi And Florence Kunsy		38		
DED DEPRM RP STP TE				
Robert E. And Cynthia A. Lyons		43		
DED DEPRM RP STP TE				
Michael E. Turley		47		
DED DEPRM RP STP TE				
James Enterprises		48		
DED DEPRM RP STP TE				
White Marsh Joint Venture		49		
DED DEPRM RP STP TE				
Salvo Realty, Inc.		50		
DED DEPRM RP STP TE				
Chester L. And Virginia J. Farley		52		
DED DEPRM RP STP TE				
Ritz Enterprises		55		
DED DEPRM RP STP TE				
Glenda L. Mosley		56		
DED DEPRM RP STP TE				

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

AUGUST 12, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JAMES M. HEIER & LINDA R. HEIER
Location: #354 MONTROSE AVENUE
Item No.: *35 Zoning Agenda: AUGUST 17, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: W. Carl Richards Jr.
Planning Group
Special Inspection Division

JP/KEK

ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response
Authorized signature: *[Signature]* Date: 9/3/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Alfred Pinkard	28		8-10-92
DEPRM RP	No Comment		
✓ Bee Tree Partnership	30		
DEPRM RP	No Comment		
✓ Albert F. Baumgart	31		
DEPRM RP	No Comment		
✓ Edith B. Ransom	32		
DEPRM RP	No Comment		
✓ Michael And Patricia A. Perholtz	33		
DEPRM RP	No Comment		
✓ Charles C., Sr. And Patricia G. Chelbda	34		
DEPRM RP	No Comment		
COUNT 6			
✓ James And Linda Meier	35		8-24-92
DED DEPRM RP STP TE	No Comment		
✓ Allan L. Snyder Et. Al.	36		
DED DEPRM RP STP TE	No Comment		
✓ Salvo Auto Parts	37		
DED DEPRM RP STP TE	No Comment		
✓ Adela M. Lombardi And Florence Kinsky	38		
DED DEPRM RP STP TE	No Comment		
✓ Helaine G. And Melvin R. Trosch	39		
DED DEPRM RP STP TE	No Comment		
✓ Baltimore Country Club of Baltimore City	40		
DED DEPRM RP STP TE	No Comment		

93-32-A 8-31-92
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 22, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #32
14045 Montrose Mill Road
Zoning Advisory Committee Meeting of August 10, 1992

An inspection of the well and septic system will be required prior to approval of a building permit. Soil evaluation may be required.

LP:sp

MONTUA/TXTSBP

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21201

August 13, 1992 (410) 887-3353

James S. Hinde Heier
354 Montrose Avenue
Baltimore, Maryland 21221

Re: CASE NUMBER: 93-32-A
LOCATION: 354 Montrose Avenue
15th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

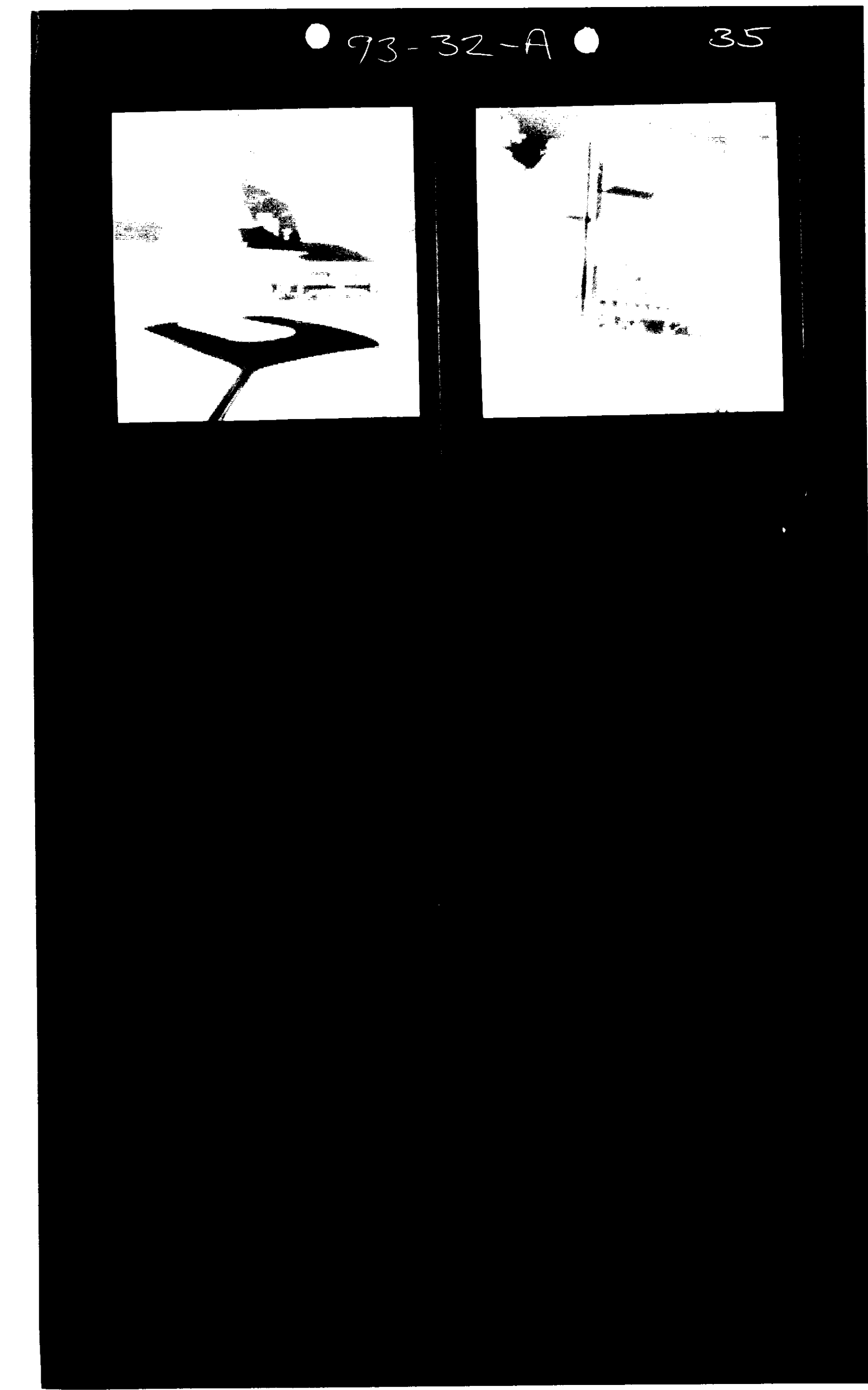
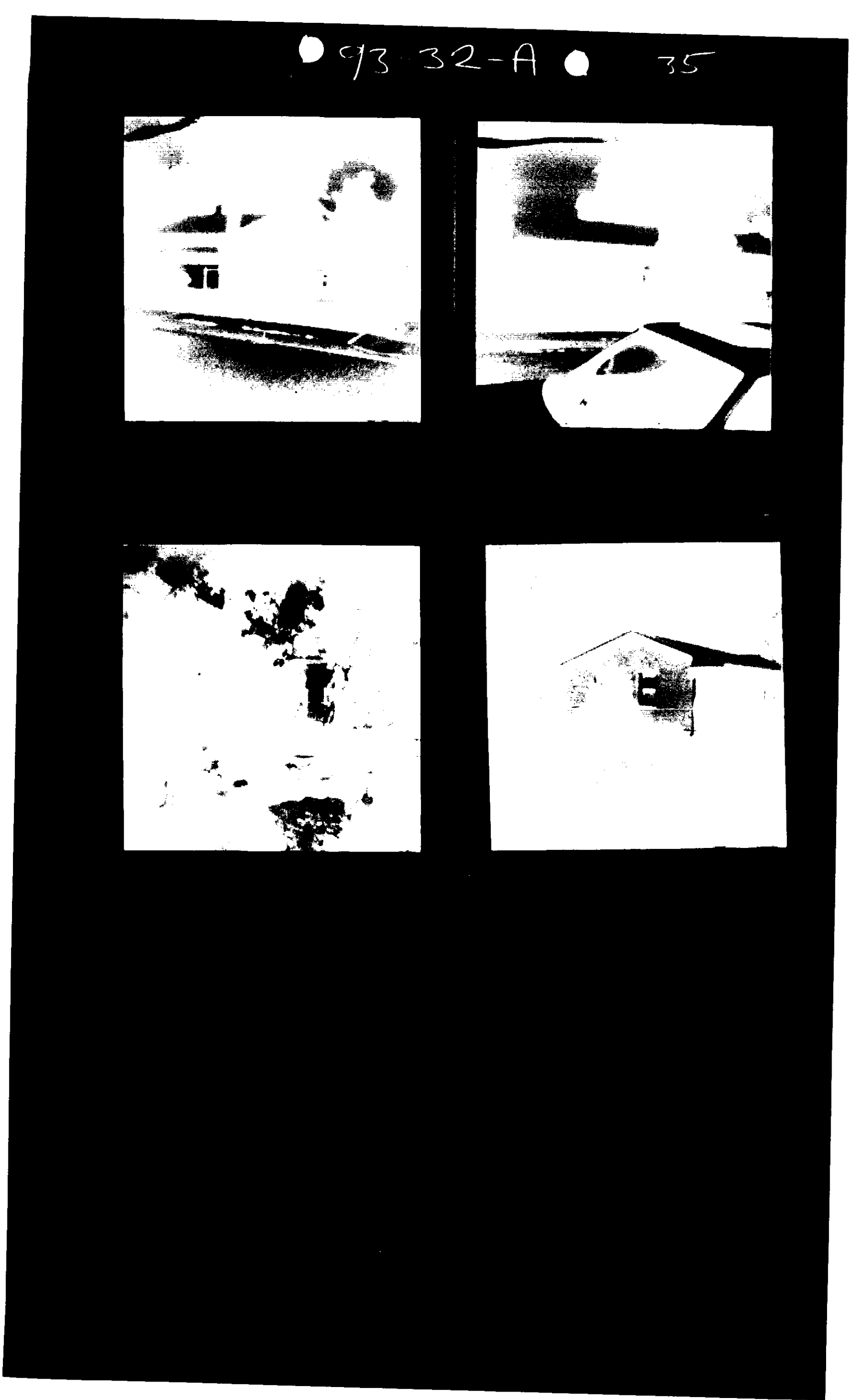
1) Your property will be posted on or before August 23, 1992. The closing date is September 8, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$20.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

[Signature]
Lawrence E. Schaldt
Zoning Commissioner, Baltimore County



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 354 Montrose Ave

Subdivision name: Montrose Farms

plat book: E, folio 182, map 511

OWNER: James M. Hinde Heier

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

18 1201

Michael KACOU

GA9 10W 55

352

Proposed Addition

5' WIDENING FOR THE HIGHWAY AS SHOWN

LAND ACQUISITION

DRAWING NO. 84W 02-0071

0.115 Acre

57 Nupley

S 64° 38' E 100.00

CHANN L'INFERENCE

CONC. DRIVE

2' REVERTIBLE EASEMENT

120' to E. MACE AV.

MONTROSE AVENUE

93-32-A

North

date: _____

prepared by: *[Signature]*

Scale of Drawing: 1" = 30'

Subject Property

Montrose Ave

11th Ave

12th Ave

13th Ave

14th Ave

15th Ave

16th Ave

17th Ave

18th Ave

19th Ave

20th Ave

21st Ave

22nd Ave

23rd Ave

24th Ave

25th Ave

26th Ave

27th Ave

28th Ave

29th Ave

30th Ave

31st Ave

32nd Ave

33rd Ave

34th Ave

35th Ave

36th Ave

37th Ave

38th Ave

39th Ave

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41st Ave

42nd Ave

43rd Ave

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77th Ave

78th Ave

79th Ave

80th Ave

81st Ave

82nd Ave

83rd Ave

84th Ave

85th Ave

86th Ave

87th Ave

88th Ave

89th Ave

90th Ave

91st Ave

92nd Ave

93rd Ave

94th Ave

95th Ave

96th Ave

97th Ave

98th Ave

99th Ave

100th Ave



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG W.V. 25401

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

ESSEX

SHEET
NE
35

35
93-32-A